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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID WASITOWSKI.

- against -

PALI HOLDINGS, INC.,

Defendant.

1 Docket No. 09 Civ. 08243 (PKC)
2
3 **DECLARATION OF**
4 **LEONARDO TRIVIGNO IN**
5 **OPPOSITION TO**
6 **DEFENDANT'S MOTION TO**
7 **DISMISS AND IN SUPPORT OF**
8 **DAVID WASITOWSKI'S**
9 **MOTION FOR SUMMARY**
10 **JUDGMENT**

LEONARDO TRIVIGNO, hereby declares, under penalty of perjury, as follows:

1. I am an attorney duly admitted to practice before the Southern District of New York. I am a member of the law firm of Carter Ledyard & Milburn LLP, attorneys for Plaintiff David Wasitowski (“Mr. Wasitowski”) in this action, and, as such, am fully familiar with the facts and circumstances of this proceeding. This declaration is submitted in opposition to Defendant’s motion to dismiss and in support of Plaintiff’s motion for summary judgment.

3. The purpose of this declaration is to present true and correct copies of the following documents that are germane to the Court's review:

<u>Exhibit</u>	<u>Description</u>
1	Complaint dated September 28, 2009 in <i>Wasitowski v. Pali Holdings Inc.</i> , Docket No. 09 Civ. 08243 (PKC).
2	Second Amended Verified Petition dated September 16, 2008 in <i>Berk et al. v. Pali Holdings, Inc. et al.</i> , New York Supreme Court for New York County, Index No. 110788/08.
3	Order to Show Cause on David Wasitowski's Motion for Indemnification <i>Pendente Lite</i> dated November 11, 2008 in <i>Berk et al. v. Pali Holdings, Inc. et al.</i> , New York Supreme Court for New York County, Index No. 110788/08.
4	Notice of Entry of Decision and Order dated August 6, 2009 in <i>Berk et al. v. Pali Holdings, Inc. et al.</i> , New York Supreme Court for New York County, Index No. 110788/08, with Affidavit of Mailing of Jose L. Encarnacion.
5	Statement of Account sent to Ross B. Bricker dated September 28, 2009.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 20, 2009.



LEONARDO TRIVIGNO